

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norman et al (6,674,259) in view of BOTBALL and Updike (2002/0155884 A1) and Roberts (6,599,128).

Regarding claim 12, Norman et al in the Background of the Invention teaches that robotic competitions are highly popular among people of all ages especially between high school students, in these competitions, contestants i.e. students are asked to build robots to perform a wide range of tasks, such as picking up tennis balls, stacking blocks, and everything in-between (see column 1, lines 17-35). Any number of robots/teams can compete. The system taught by Norman et al is for managing, controlling and providing safety for robotic competitions. Norman et al does not disclose the particulars of a robotic competition. BOTBALL, is a popular robotic competition, wherein a plurality of teams compete against each other, each team is assigned a robot, which the player or team designs, builds and operates to perform a series of tasks in each competition. In completing the tasks they are assigned points and at the end the team with the highest point value is declared the winner. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an alternative robotic game such as the one taught in BOTBALL when carrying out the system of Norman et al.

It is noted that when referring to “a competition” it is commonly understood that two or more players, teams or alliances are competing in order to win a game, contest, etc. Customarily the winner is the player, team or alliance that has the highest score and the loser(s) is the player, team or alliance with the lower score and at the end of each game or competition the winner is declared. There are various ways of arriving at a final score in order to declare a winner i.e. a player, team or alliance. Norman et al as modified above does not explicitly disclose the particular method used to derive at the final score for declaring a winning team, namely the final score of the winner being a function of the raw score of the losing player/team or alliance. This is taught in poker tournaments and in gambling, US Patent Application Publication 2002/0155884 A1 to Updike teaches fair peer-to-peer gambling, wherein the winning points are subtracted from the loser’s account and added to the winner’s account (see abstract of the disclosure and paragraph 0011), therefore, the final score of the winner is a function of the raw score of the loser. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized an alternative scoring system such as the one taught by Updike for determining the final score of the winning team in Norman et al’s robotic competition the motivation being to teach fair peer-to-peer competition.

With regards to the competition being between two alliances, Norman et al as modified above discloses the competition is between individual players and/or teams, and does not expressly disclose the competition being between two alliances formed by the plurality of teams. Roberts teaches a game for training of managers. Roberts’ invention is a game that is intended to train managers and/or other personnel, in an entertaining and non-threatening way, to think and plan more creatively in managing their organizations. The present invention also provides a

game which can be played, primarily for fun, by children or adults. The invention has the further object of teaching managers the importance of teamwork and cooperation in an enjoyable and non-treating way. Robert shows the invention is a game played on a large playing area, the players are told that the game is to accumulate bridge-building elements, stored in the material storage area, according to specified rules, and to build a bridge to the nearest small island, so as to solve a puzzle located on the small island in the shortest possible time (see column 1, lines 38-58). The game is preferably played by four teams having up to 16 players or alternatively the teams may form alliances with each other to alter the structure of the competition (see column 3, lines 57-65; column 4, lines 6-16; and column 10, lines 13-37). In view of Roberts it would have been obvious to one of ordinary skill in the art at the time the invention was made to have carried out the robotic competition as disclosed by Norman et al, by employing a plurality of competing alliances formed by the teams, in order to alter the structure of the competition.

Response to Arguments

3. Applicant's arguments, see PreAppeal Brief Request, filed 07 March 2008, with respect to the rejection(s) of claim(s) 12 under 35 U.S.C. 103(a) Norman et al (6,674,259), BOTBALL and Updike (2002/0155884 A1) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Norman et al (6,674,259), BOTBALL, Updike (2002/0155884 A1) and Roberts (6,599,128).

In the PreAppeal Brief Request applicant raised the following concerns: 1) the combination of the prior art does not teach forming an alliance; 2) the combination of the prior art does not declare a winner; and 3) the combination of the prior art does not teach the claimed

scoring system. The Roberts patent has been introduced which clearly teaches forming an alliance from the plurality of teams. The references may not explicitly point out that a winner is declared, however, that is what is customarily done in competitive games, when a player, team or alliance wins, a winner is declared. There is no novelty in declaring a winner in a competition. The Updike patent publication teaches the claimed scoring system, wherein a function of the loser's score is added to the winner's score. It is noted that the claim as presented does not define what is intended by "a function"; therefore the score system of Updike meets the claimed limitation since the score of the losing team is added to the score of the winning team, therefore the final score of the winner is a function of the raw score of the loser. In conclusion it appears that applicant is merely utilizing a known scoring system and incorporating a known scoring system in the robotic competitions. Declaring a winner in a game or competition is not considered novel, furthermore, conducting a game between an alliance formed by teams instead of conducting a game between individual players or teams is also not considered to be novel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 571-272-4405. The examiner can normally be reached on Tuesday-Thursday 10:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mitra Aryanpour/

Primary Examiner, Art Unit 3711

11 June 2008